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Austin Police Department

General Orders

U-Visa Nonimmigrant Status Certifications

607.1 PURPOSE AND SCOPE

U-Visa Nonimmigrant Certification ("Certification") extends temporary legal status to foreign nationals who are victims of a qualifying crime or criminal activity. APD will consider issuing U-Visa Nonimmigrant Status Certification on a case-by-case basis.

607.1.1 DEFINITIONS

Qualifying Crime or Criminal Activity - As listed in 8 U.S.C. § 1101(a)(15)(U), one or more of the following or any similar activity in violation of Federal, State, or local criminal law: rape; torture; trafficking; incest; domestic violence; sexual assault; abusive sexual contact; prostitution; sexual exploitation; female genital mutilation; being held hostage; peonage; involuntary servitude; slave trade; kidnapping; abduction; unlawful criminal restraint; false imprisonment; blackmail; extortion; manslaughter; murder; felonious assault; witness tampering; obstruction of justice; perjury; or attempt, conspiracy, or solicitation to commit any of the above mentioned crimes.

607.2 STATEMENT OF CERTIFICATION INTENT

APD's intent is to consider issuance of Certification to those individuals who prove willing to assist in furtherance of the law enforcement purposes of detecting, investigating, and prosecuting crimes. APD's decision to provide an applicant with a Certification is entirely discretionary. A victim who receives a Certification has an ongoing responsibility to assist APD in the investigation or prosecution of crime(s) listed on their Form I-918, Supplement B.

607.3 ELIGIBILITY FOR U-VISA NONIMMIGRANT STATUS

To be eligible for Certification, a person must:

- (a) Be a victim of a qualifying crime or criminal activity; and
- (b) Cooperate with law enforcement and the criminal justice systems throughout the investigation and prosecution of the qualifying crime or criminal activity.

607.4 AUTHORITY TO ISSUE CERTIFICATIONS

A lieutenant over the Violent Crime Units is designated by the Chief of Police to issue Certifications on behalf of APD.

607.5 CERTIFICATION PROCEDURES

- (a) The I-918 Supplement B, U-Visa Nonimmigrant Status Certification, and associated instructions is available in the UVISA folder on APD Sharepoint.
- (b) Requests for Certification must be submitted in writing to APDUvisacertification@austintexas.gov.
- (c) All requests for Certification will be routed to the APD UVISA Certification Review Team.

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- (d) The UVISA Certification Review Team will make a recommendation for approval or denial of the certification as soon as possible, but no more than 90 days from the date of receipt of the request.
- (e) The UVISA Certification Review Team will forward their recommendations to the designated lieutenant for their review.
- (f) After reviewing the recommendations from the UVISA Certification Review Team, the lieutenant will make the decision to approve or deny the request. The decision will be final and not subject to appeal.
- (g) All requests and their dispositions will be stored according to APD's record retention general order.

607.6 REFERRALS OF APPLICANT TO OTHER CERTIFYING AGENCIES

If APD determines it will not issue Certification in a particular case, it may refer the requester to:

- (a) a Federal, State or Local Law Enforcement agency.
- (b) a Prosecutor.
- (c) a Federal or State Judge.
- (d) the Department of Family and Protective Services.
- (e) the EEOC.
- (f) the Department of Labor.

607.7 NOTIFICATION OF REFUSAL TO ASSIST

If an individual unreasonably refuses to assist in the investigation or prosecution of the qualifying crime or criminal activity after certification has been granted and the I-918 Supplement B has been submitted to the U.S. Citizenship & Immigration Service (USCIS), the authorized Investigative Unit Sergeant shall notify the USCIS in writing of the refusal to assist.